



## State of Utah

### Department of Natural Resources

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil, Gas & Mining

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

December 19, 2005

*send to Pic.  
m/043/012*

CERTIFIED MAIL  
7003 2260 0002 0247 9734

Lon Thomas  
Star Stone Quarries Inc.  
4040 South 300 West  
Salt Lake City, Utah 84107

Subject: Findings of Fact, Conclusions, Order and Finalized Assessment for  
MC-05-01-16 (1), Peoa Blonde Quarry, Star Stone Quarries, Summit County, Utah

Dear Mr. Thomas:

On November 17, 2005, an Informal Conference was held to review the fact of violation and proposed assessment for state violation MC- 05-01-16 (1). As a result of a review of all pertinent data and facts, including those presented in the Informal Hearing and Assessment Conference, the attached documents shall constitute the findings of fact, conclusions, order, and finalized assessment.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalties with the Division within thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division of Oil, Gas and Mining, mail c/o Vickie Southwick at the address listed below.

Sincerely,

Mary Ann Wright  
Associate Director, Mining  
Assessment Conference Officer

vs

Enclosures

P:\GROUPS\MINERALS\WP\M043-Summit\M0430012-PeoaQuarry\Final\Assessment conference ltr.doc



BEFORE THE DIVISION OF OIL, GAS AND MINING  
MINERALS REGULATORY PROGRAM  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE Peoa Blonde Quarry, Summit COUNTY, UTAH	:	INFORMAL CONFERENCE For MC-05-01-16 (1)
	:	
	:	FINDINGS, CONCLUSIONS AND ORDER
	:	CAUSE NO. M/043/012

---ooOoo---

On November 17, 2005, the Division of Oil, Gas and Mining ("Division") held an informal conference concerning the Fact of Violation and the Assessment for Cessation Order, MC-05-01-16 (1) issued to the Peoa Blonde Quarry, Summit County, Utah. The following individuals attended: Lon Thomas and Marie Ludwig for Star Stone Quarries; and Lynn Kunzler and Daron Haddock for the Division.

Presiding:	Mary Ann Wright Associate Director, Mining Division of Oil, Gas and Mining
Petitioner:	Lon Thomas Star Stone Quarries

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner and the Division in connection with this informal conference, and on information in the files of the Division.

**FACTS PRESENTED: Fact of the Violation or Cessation Order**

1. By letter dated, October 31, 2005 Ms. Marie Ludwig, Assistant to the President of Star Stone Quarries, requested an informal conference to discuss the fact of violation and the assessment for Minerals Program Cessation Order MC-05-01-16 (1).
2. Notice of the informal conference was properly given.
3. Pursuant to Utah Code Ann. Section 40-8- 9 and Utah Administrative Rule R647-6-102, an informal conference in the matter was held on November 17, 2005. At the informal



conference, the following information was presented to the Conference Office by the petitioner:

2. Mr. Thomas stated that the operation was 'over the line' but that there were mitigating circumstances. There was a lot of snow last winter that all piled up and was then pushed back by the workers to access the pit. Mud was in the snow that piled up and was pushed off the road onto an undisturbed area.
3. At Spot No 1 shown on the permit map, Mr. Thomas explained that a seep was dug out by the workers in the hot summer and used as a swimming hole. That hole is filled back in now since the Cessation Order was issued.
4. At the second spot on the map, the county had put in a new culvert. Mr. Thomas had built a new ditch that cut the corners of the permit boundary and so that it would not have to follow the stair-step shape of the permit boundary.
5. Spot # 3 of the CO was really 2 areas where boulders were pushed along the metal pole markers of the permit area for a length of 200 feet or so. Some of the boulders straddled the line.
6. The second area of spot #3 was the mud, snow and water troubles created by the snowfall. The snow/mud banks were plowed off the quarry site and mud ran off the pile. There was 1-2 feet that was cleaned up by a front-end loader. Less than one half acre was affected. A picture was shown of the area where the vegetation was scraped up. This was done in the summer, in June or July, as soon as it was dry enough to clean the area up. Mr. Thomas admitted the operation went outside the permit area, but says it was not intentional.
7. Questions posed to Mr. Thomas also yielded the following information. Mr. Thomas owns 40 acres, not all of which is permitted since he does not want to bond for areas he does not have to. He maintains that the ditch is on his fee land and not part of the operation and the swimming hole is the same.
8. Lynn Kunzler stated that other operators have called to say they need to clean up a mud slide or such. He believes that removal of snow beyond the permit to get it out of the way of mining in the pit constitutes mining activities. He said this should have been handled by a phone call. Mr. Kunzler also noted that the boulders were placed outside of the permit line; and that the swimming pit was for the mine workers who live on the mine site and thus is to be considered part of the mining activities.



## CONCLUSIONS

- The Fact of the Violation stands for the Cessation Order issued to the operator for mining activities that took place outside of the permit area. The operator admitted to this in the conference. However, the operator was not aware that he may have avoided the CO for moving snow and mud by making a phone call to the Division. The assessment officer upholds the fact of the CO for the snow and mud being removed past the permit area. The areas of 1) the ditch that was dug to funnel the road culvert waters across Mr. Thomas's private property and 2) the swimming hole may be questionable as to truly being characterized as part of mining activities. The boulders that straddle the permit area line are of low concern as to any land damage. If they were the only permit area transgression, the CO should not have been written. However, the mine permittee would be well advised to permit all areas needed for mining activities.

## ORDER

NOW THEREFORE, it is ordered that:

- The CO stands.

#####

## FACTS PRESENTED: Assessment of the Violation

1. By letter dated, October 31, 2005 Ms. Marie Ludwig, Assistant to the President of Star Stone Quarries, requested an informal conference to discuss the assessment for Minerals Program Cessation Order MC-05-01-16 (1).
2. Notice of the informal conference was properly given.
3. Pursuant to Utah Code Ann. Section 40-8- 9 and Utah Administrative Rule R647-6-102, an informal conference in the matter was held on November 17, 2005. At the informal conference, the following information was presented to the Conference Office by the petitioner:
  4. The CO has been abated. The abatement took place within 2 days to a week of the notice being issued.
  5. Petitioner believed the state was not at risk since a bond for this permitted site is being held. The petitioner also stated that the mitigating circumstances merited a lot less than 20 points.
  6. The degree of negligence should be re-assessed due to the boulder placement and snow/mud



removal simply being a prudent thing to do. The points assigned seem to indicate indifference on the part of the operator. Clearing the snow and placing boulders are not acts of indifference since the permit can more clearly be seen with the boulder in place versus just metal posts.

7. The petitioner would like to see adequate good faith points issued since the areas were taken care of before the CO was issued.

### CONCLUSIONS

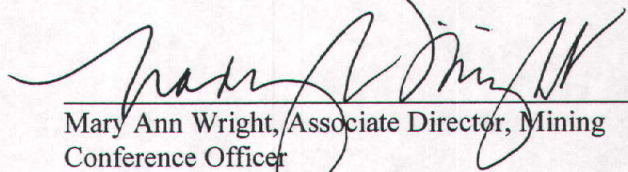
- Facts were presented which were taken into consideration of a reassessment of this cessation order. This was normal compliance of a difficult abatement. In the final assessment, 10 good faith points were awarded, totaling 21 points.

### ORDERS

NOW THEREFORE, it is ordered that:

- A fine of \$462.00 is assessed and payable 30 days from receipt of this re-assessment.

SO DETERMINED AND ORDERED this 19<sup>th</sup> day of December 2005

  
\_\_\_\_\_  
Mary Ann Wright, Associate Director, Mining  
Conference Officer  
Division of Oil, Gas and Mining  
State of Utah



UTAH DIVISION OF OIL, GAS AND MINING  
WORKSHEET FOR **FINAL** ASSESSMENT OF PENALTIES

COMPANY: Star Stone Quarries

Peoa Blonde

PERMIT: M/043/012

VIOLATION: MC-05-01-16 (1)

ASSESSMENT CONFERENCE OFFICER: Mary Ann Wright

	Proposed Assessment	Final Assessment
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness	<u>28</u>	<u>21</u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>0</u>	<u>-10</u>
Total Points	<u>38</u>	<u>21</u>

TOTAL ASSESSED FINE \$ 462.00

NARRATIVE: Conducting mining activities outside of the permit.  
Difficult abatement (plans were required); normal compliance.

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)